

FACSIMILE TRANSMISSION COVER SHEET

Date: December 11, 2002

Application Serial No. 10/018,621
Attorney Docket No. 508-042.008

TO:	Mamie P. Person
COMPANY/FIRM:	U.S. Patent and Trademark Office
TELEPHONE NO.:	(703) 305-3737
FACSIMILE NO.:	(703) 746-6699
FROM:	Alfred A. Fressola
COMPANY/FIRM:	Ware, Fressola, Van Der Sluys & Adolphson LLP
PHONE NO.:	(203) 261-1234
FACSIMILE NO.:	(203) 261-5676

CONFIRMATION BY MAIL: NONumber of pages (including this transmittal page): 21*If facsimile transmission is incomplete, please notify sender at (203) 261-1234.***Dear Ms. Person:**

Thank you very much for your telephone call today. Per our conversation, attached are the documents filed with the USPTO in response to the Notification of Missing Requirements (not including the Assignment documents and IDS documents). Please let me know if you need anything further. Thank you.

WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP
BRADFORD GREEN, BUILDING FIVE
755 MAIN STREET, MONROE, CONNECTICUT 06468
TELEPHONE NO. (203) 261-1234
FACSIMILE NO. (203) 261-5676

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO BE ATTORNEY-CLIENT PRIVILEGED, THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE AGENT OR EMPLOYEE RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED, IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE RECEIVED MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Applicant **M. Bura et al.**For: **BRIDGE JOINT**Serial No. **10/018,621**Filed: **December 17, 2001**

The following papers were received in the U.S. Patent and Trademark Office: -

Completion of Filing

<input checked="" type="checkbox"/> Transmittal Requirements	<input type="checkbox"/> Amendment and/or Response
<input type="checkbox"/> Specification - No. of Pages	<input checked="" type="checkbox"/> Info. Disclosure Statement
<input type="checkbox"/> Claims - No. of Pages	<input type="checkbox"/> TM or SM Appl. - No. of Pages
<input type="checkbox"/> Abstract - No. of Pages	<input type="checkbox"/> Specimens - No. of
<input checked="" type="checkbox"/> Decl. and Power of Atty. (w/added page)	<input checked="" type="checkbox"/> Fee: \$955.00* Enclosed
<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Drawings - No. of Sheets
<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Statement of Facts
<input checked="" type="checkbox"/> Assignment Recordation Cover	<input checked="" type="checkbox"/> Form PTO-1449
<input type="checkbox"/> Sheet	<input checked="" type="checkbox"/> copies of Intl. Search
<input checked="" type="checkbox"/> Notification of Missing Requirements	Report & 2 references cited therein
<input checked="" type="checkbox"/> Petition Under 37 CFR 1.47(a)	*check no. 19911

Attorney:

Date Mailed:

Docket No.

AAF

08/01/02

508-042.008

Please date stamp and

1908

Rec'd PCT/PTO

08 AUG 2002

RECEIVED
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON

AUG 19 2002

FILE

508-042.8

ANS'D.

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PATENT
Attorney Docket No. 508-042.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: **M. Bura et al.** :
Serial No.: **10/018,621** : **Art Unit: Not Yet Assigned**
Filed: **December 17, 2001** : **Examiner: Not Yet Assigned**
For: **BRIDGE JOINT**


Assistant Commissioner for Patents
Box MISSING PARTS
Washington, DC 20231

**PETITION UNDER 37 CFR §1.47(a) FOR ACCEPTANCE OF DECLARATION BY JOINT
INVENTOR, SEAMUS DEVLIN, ON BEHALF OF HIMSELF AND NONSIGNING
INVENTOR MICHAEL J. BURA, WHO CANNOT BE LOCATED**

Sir:

Pursuant to 37 CFR §1.47(a), applicant's attorney hereby petitions for the acceptance of the Declaration of signing inventor Seamus Devlin on behalf of himself and nonsigning inventor Michael J. Bura, who cannot be located after diligent effort. Accompanying this petition is the Declaration of Seamus M. Devlin, including an added page to the Combined Declaration and Power of Attorney on behalf of nonsigning inventor Michael J. Bura, who cannot be found or reached after diligent effort. Also enclosed herewith is a Statement of Facts by the joint inventors' British patent agent, Nigel Brooks (CPA), who sets forth the facts verifying that diligent effort has been made to locate Mr. Bura and that those efforts have been unsuccessful.

I hereby certify that this correspondence is being deposited today, August 1, 2002, with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington DC 20231.


Annemarie Maher

Application Serial No. 10/018,621
Attorney Docket No. 508-042.008

A petition fee, pursuant to 37 CFR §1.17(h), in the amount of \$130 is enclosed as required by 37 CFR §1.47(a). Please charge any additional fees or refund any overpayment to applicants' attorney's deposit account number 23-0442.

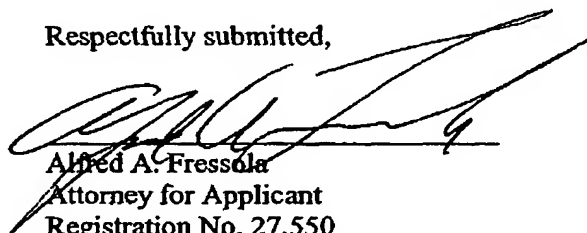
Also enclosed herewith is the Notification of Missing Requirements, as well as payment of a four-month extension-of-time fee for responding to said Notification, a response to which was due without extension by April 5, 2002.

It is respectfully submitted that the present documentation meets the requirements of 37 CFR §1.47(a) and that compliance has been made to the requirements specified in the Notification of Missing Requirements.

Respectfully submitted,

Dated: August 1, 2002

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955
Deposit Account No. 23-0442


Alfred A. Fressola
Attorney for Applicant
Registration No. 27,550

Practitioner's Docket No. 508-042.008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **M. Bura et al.**Confirmation No.: **4979**Application No.: **10/018,621**Group No.: **Not Yet Assigned**Filed: **December 17, 2001**Examiner: **Not Yet Assigned**For: **BRIDGE JOINT**

Assistant Commissioner for Patents
Box MISSING PARTS
Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS
- NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. ☒ This replies to the Notification of Missing Requirements Under 35 USC §371 (Form PCT/DO/EO/905 (371 Formalities Notice)) mailed February 5, 2002.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notification of Missing Requirements Under 35 USC §371 is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))


I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.



Signature

Date: August 1, 2002

Annemarie Maher
(type or print name of person certifying)

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 1 of 6)

U.S. Patent Application No. 10/018,621

DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application and a Petition Under 37 CFR §1.47(a) For Acceptance Of Declaration By Joint Inventor On Behalf Of Himself And Nonsigning Inventor Michael J. BURA, Who Cannot Be Located.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456;

(B) serial number and filing date;

(C) attorney docket number which was on the specification as filed;

(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a) 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims _____ inclusive.

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 2 of 6)

U.S. Patent Application No. 10/018,621

TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: a non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

SMALL ENTITY STATUS

- V. ☒ A statement that this filing is by a small entity

(check and complete applicable items)

- ☒ has already been asserted.
- ☐ is attached.
- ☐ A separate refund request accompanies this paper.
- ☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

- ☐ original patent application
(37 C.F.R. § 1.16(a) - \$740.00; small entity - \$370.00) \$ _____
- ☐ design application
(37 C.F.R. § 1.16(f) - \$330.00; small entity - \$165.00) \$ _____

2. Fees for claims

- ☐ each independent claim in excess of 3
(37 C.F.R. § 1.16(b) - \$84.00; small entity - \$42.00) \$ _____
- ☐ each claim in excess of 20
(37 C.F.R. § 1.16(c) - \$18.00; small entity - \$9.00) \$ _____
- ☐ multiple dependent claim(s)
(37 C.F.R. § 1.16(d) - \$280.00; small entity - \$140.00) \$ _____

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 3 of 6)

U.S. Patent Application No. 10/018,621

3. Surcharge Fees

- ☒ late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e) - \$130.00);

\$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under C.F.R. § 1.16(e) is that only one surcharge Fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☒ Petition and fee for filing by other than all the inventors or a person not the inventor

(37 C.F.R. §§ 1.17(i) and 1.47 - \$130.00)

\$ 130.00

- ☐ Fee for processing an application filed with a specification in a non-English language

(37 C.F.R. §§ 1.17(k) and 1.52(d) - \$130.00)

\$

- ☐ Fee for processing and retention of application

(37 C.F.R. §§ 1.21(l) and 1.53(d) - \$130.00)

\$

- ☒ Assignment (See "ASSIGNMENT COVER SHEET".)

\$ 40.00

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

Total completion fees

\$ 235.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input checked="" type="checkbox"/> four months	\$1,440.00	\$ 720.00

Fee: \$ 720.00

If an additional extension of time is required, please consider this a petition therefor.

(Completion of Filing Requirements - Nonprovisional Application [5-1] - page 4 of 6)

U.S. Patent Application No. 10/018,621

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 235.00Extension fee (if any) \$ 720.00Total Fee Due \$ 955.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of \$ 955.00☐ Authorization is hereby made to charge the amount of \$ _____☐ to Deposit Account No. _____☐ to credit card as shown on the attached credit card information authorization Form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this request is attached.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No.

23-0442☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 5 of 6)

U.S. Patent Application No. 10/018,621

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 C.F.R. §1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. §1.17(a)(1)-(5) (extension fees pursuant to §1.136(a))
- ☐ 37 C.F.R. §1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under §1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in §1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. §1.136(e)(3).

- ☐ 37 C.F.R. §1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. §1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. §1.311(b).

NOTE: 37 C.F.R. §1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying, or at the time of paying...issue fee..." From the wording of 37 C.F.R. §1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No. 27,550

Tel. No.: (203) 261-1234

Customer No. 004955

Alfred A. Fressola
(type or print name of practitioner)

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Bldg. Five
755 Main St., P.O. Box 224
Monroe, CT 06468

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 6 of 6)

As a below named inventor, I hereby declare that:

- my residence, post office address and citizenship are as stated below next to my name;
- I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **A Bridge Joint**
- the specification of which is attached hereto unless the following box is checked: ☒ If the box is checked,

the application was filed on December 17, 2001

as U.S. Application Number 10/018,621

or PCT International Application Number PCT/GB00/02224

and was amended on (if applicable), December 17, 2001

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application			Priority Not Claimed
9914186.3 (Application Number)	United Kingdom (Country)	18/06/1999 (Day/Month/Year Filed)	<input type="checkbox"/>
(Application Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Application Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

To the extent permitted by rule or law, I hereby incorporate by reference the Prior Foreign Application(s) listed above.

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Provisional Application Number)	(Day/Month/Year Filed)
(Provisional Application Number)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability, as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)	(Day/Month/Year Filed)	(Status—patented, pending, abandoned)
(Application Number)	(Day/Month/Year Filed)	(Status—patented, pending, abandoned)

The undersigned hereby authorizes the U.S. firm of Ware, Fressola, Van Der Sijpe & Adolphson LLP to accept and follow instructions from the British firm of Nigel Brooks as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. firm and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. firm will be notified by the undersigned.

Electronic POA Form

page 1

I hereby appoint the attorney(s) and/or agent(s) assigned to the case number listed below, as may from time to time be amended, belonging to the firm of Ware, Fressola, Van Der Sluys & Adolphson LLP, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number

4955



004955

PATENT AND TRADEMARK OFFICE

Address all telephone calls to: Ware, Fressola, Van Der Sluys & Adolphson LLP at (203) 261-1234. Address all correspondence to: Alfred A. Fressola

Customer Number

4955



004955

PATENT AND TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Michael J. BURR	
Full name of sole or first inventor (given name, middle initial, FAMILY NAME(S) IN UPPER CASE)	
Inventor's Signature	Date
Surrey GU 8 4SN, Great Britain Residence	GB Citizenship
Post Office Address: 2 Ramster Cottages, Ramnest, Chiddingfold, Surrey GU 8 4SN, GB	

Seamus M. DEVLIN	
Full name of second inventor (given name, middle initial, FAMILY NAME(S) IN UPPER CASE)	
Inventor's Signature	22. March 2002 Date
Devon TQ13 0AD Great Britain Residence	GB Citizenship
Post Office Address: Ashwell House, Ugbrooke Park, Chudleigh, Exeter, Devon TQ13 0AD GB	

Full name of third inventor (given name, middle initial, FAMILY NAME(S) IN UPPER CASE)	
Inventor's Signature	Date
Residence	Citizenship
Post Office Address:	

☐ Additional inventors are being named on separately numbered sheets attached hereto.

Electronic POA Form

page 2

Practitioner's Docket No. 508-042.008

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

WARNING: 37 C.F.R. § 1.47(a) and 35 U.S.C. § 118 § 2 require all available joint inventors to file an application "on behalf" of themselves and on behalf of a joint inventor who "cannot" be found or reached after diligent effort "or who refuses to join in an application." M.P.E.P. § 408.03(a), 8th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 63,131, 63,137, 303 O.G. 48 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Michael J. BURA

nonsigning inventor who

☐ refuses to sign

☒ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filed in at the appropriate place space in the declaration, adding the words "nonsigning inventor-completed on added page."

Great Britain

Country of Citizenship of nonsigning inventor

2 Ramster Cottages, Ramenest

Last known address of nonsigning inventor

Chiddingfold, Surrey GU8 4SN, United Kingdom

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 408.03(a), 8th ed.

II. Accompanying this declaration is:

(1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(d))

SEAMUS H. DEVLIN

Typed or print name of joint inventor
signing on behalf of nonsigning
inventor(s)


Signature

(Added Page to Combined Declaration and Power of Attorney For Signature By One Joint Inventor on Behalf of Nonsigning Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached (1-d)—page 1 of 1)

TOTAL P.02

TOTAL P.02

Practitioner's Docket No. 508-042.8**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: Bura et alFor: Bridge Joint

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on December 17, 2001 as Application Serial No. 018,621 and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6] page 1 of 5

IDENTIFICATION F PERSON MAKING THIS STATEMENT F FACTS

NIGEL BROOKS

Name

Hill Hampton, East Meon, Petersfield

Address

Hampshire, GU32 1QN, GB

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 2 of 5)

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.

MICHAEL J. BURA

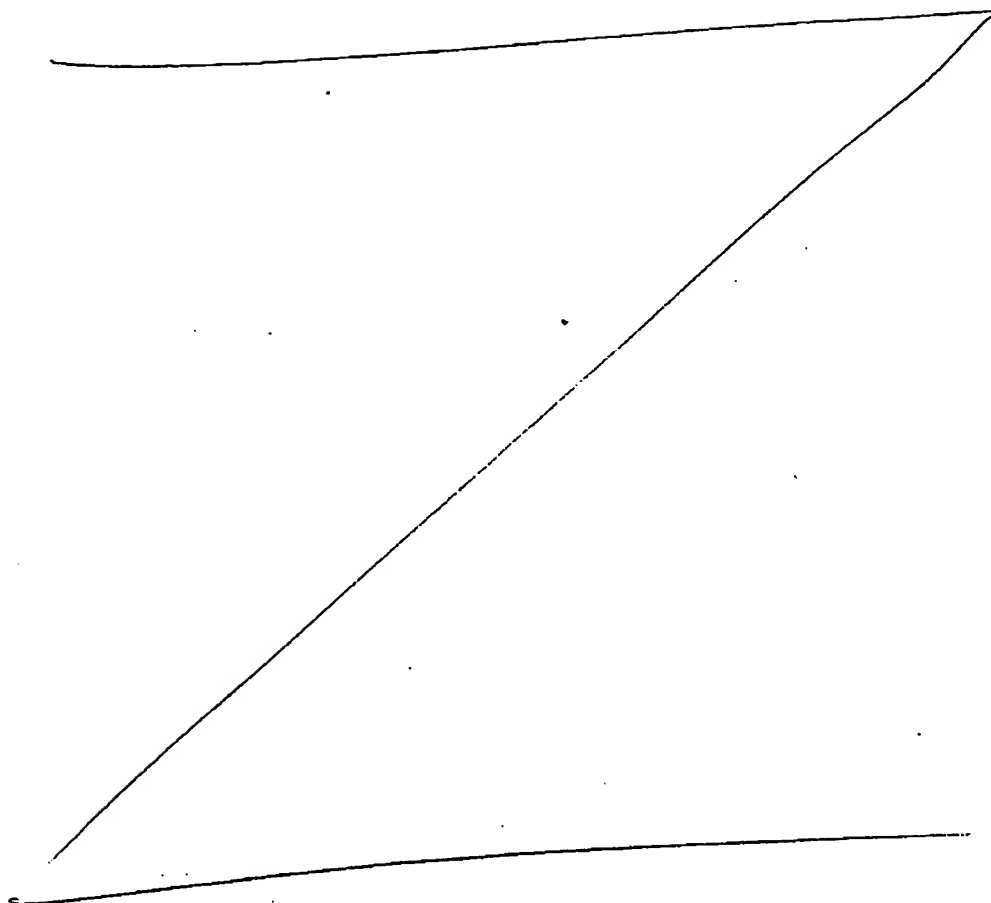
Full name of nonsigning inventor

2 Ramster cottages, Ramsnest, Chiddingfold, Surrey, GU8 4SN, GB

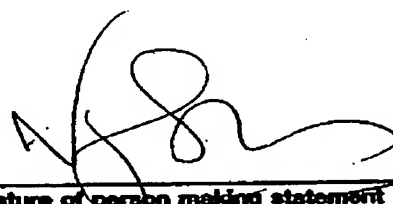
Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 3 of 5



Date: 24th July 02



Signature of person making statement

☐ Plus _____ Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page: 5 of 5

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS.

NOTE: In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the declaration. It is important that the affidavit or declaration contain statements of fact as opposed to M.P.E.P. § 409.03(c), 7th ed. conclusions.

I have acted for Seamus Devlin and his company Vexcolt (UK) Ltd for a number of years. I have been involved in several patent applications in which both Seamus and Michael Bura have been named as inventor. Both Seamus and Michael are, or were, employees of Vexcolt (UK) Ltd and so under English law all the patent applications belong to the company.

Recently, Seamus and his company moved from Hampshire to Devon. I understand that Michael Bura did not also move.

Seamus instructed me in the filing of the US national phase of the international application and I prepared the necessary forms and forwarded the same to him for signature. I then instructed Mr A Fressola to file the necessary papers for this application. Mr Fressola required further copies of the necessary forms, the ~~also~~ ^{also} Assignment and the Declaration, and as I had not received the original forms from Seamus, I sent these forms as well. 42

On 22nd March I telephoned Seamus to chase up the forms and he told me that he had been unable to contact Mr Bura. I asked him to keep trying but to send me the forms with his signature. He did this and also enclosed a note by fax to say that he believed Mr Bura to be "enjoying a lifestyle to which neither you nor I will ever become accustomed". I enclose a copy of this note.

I understand Seamus Devlin to have made reasonable efforts to contact Michael Bura, including telephoning and writing to his last known address, and contacting various mutual friends. However, despite these efforts he has been unable to contact him.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 4 of 5)

Hill Hampton,
East Meon,
Petersfield,
Hampshire GU32 1QN

Ashwell House
Ugbrooke Park,
Chudleigh
Exeter,
Devon TQ13 0AD

22 March 2002.

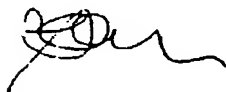
Dear Nigel,

Re: Patent 508-042.8

Please find attached the forms duly signed. Unfortunately, despite a fairly exhaustive search, I cannot trace down Mick Bura to get his signature. I understand he received a significant inheritance from his father and can only speculate that he is currently enjoying a lifestyle to which neither you nor I will ever become accustomed.

I hope that this doesn't cause a problem.

Kindest regards to you and the harem.



Seamus



UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation of Patent No. 5,111,111
United States Patent and Trademark Office
Washington, D.C. 20503
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
10/018,621	Michael J Bura	508-042.9

004955
WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

INTERNATIONAL APPLICATION NO.	
PCT/GB00/02224	
I.A. FILING DATE	PRIORITY DATE
12/28/2000	06/18/1999

CONFIRMATION NO. 4979
371 FORMALITIES LETTER



OC00000007386116

Date Mailed: 02/05/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON

FEB 11 2002

FILE 508-042.8
ANS'D. clg

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 305-3737

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO
10/018,621	PCT/GB00/02224	508-042.9

FORM PCT/DO/EO/905 (371 Formalities Notice)